



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

MINUTES OF THE AYUNTAMIENTO OF SAN FELIPE
DE AUSTIN, 1828-1832

VII

EDITED BY EUGENE C. BARKER

The Ayunto. also passed the following resolution that Whereas it has come to the knowledge of this ayunto. by persons of much respectability that Nelson Smith and John Peterson have been guilty of giving information to Hiram Friley while hid in the woods calculated and for the purpose of defeating the exertions of the ayuntamto. in their attempts to suppress crime and apprehend the criminal the sd. Friley the ayto. order that the Empresario Stephen F. Austin be recommended to withhold from the said Smith and Peterson the titles for the land which as settlers they are to receive until they can by the Ayunto. be notified to come forward, and clear up the charges, and the ayunto adopt a further resolution relative thereto. And also the Ayuntamto on account of information relative to the conduct of John Partin charges of committing some improper depredations in the property of others ordered that in like manner the sd Empresario be requested to withhold the title for the land which as a settler said Partin was to have recd until he be notified to appear in like manner before the Ayuntamto. and clear up the charges, and the ayunto. adopt a further resolution relative thereto The Ayunto then ordered that the prest. issue the said notice to sd. individuals to appear with the least possible delay, before the body for the purposes before expressed, and the [p. 69] body then rose from the secret session.

In open session an account was presented to the body by the president for sundry charges and expences incurred by him in the administration of public business amounting to the sum of Forty dollars and 26/100 which was admitted by the Ayunto. and the amt ordered to be placed to his credit.

The Ayuntamto. then discussed the propriety and necessity of forming a new and general rate of ferriage thro'out the jurisdiction and after mature deliberation the following resolution and rates of ferriage was adopted and ordered to be published. (For

the ordinance establishing regulations and rates of ferriage see book of ordinances pages —)³⁹ it was also ordered that all public expresses and the mails should be crossed at all and any of the ferries within the jurisdiction gratis and free from any charge.

The president stated to the body that Mr. Thos. Westall had taken building lots numbers 211, 212 and 213 in place of numbers 49 and 50 which by an error had been sold by the Ayuntamiento. being the property of said Westall by purchase made of Mills M. Battle in the year 1825. And inasmuch as the said lots 49 and 50 were sold by the Ayunto. for [blank] and the appraised value of Nos. 211. 212. and 213 is [blank] at which price sd. Westall takes them, he the said Westall is indebted to the Municipality in the sum of ten dollars—this entry was made by sd. Westall on the 4th Novemr. 1830 and is now ordered to be made a matter of record in this book of acts.

A letter was received by the Ayuntamiento. from the Empresario Austin under date of this day which was read and ordered by the body to be engrossed in the book of acts, in [p. 70] consideration of the subject on which it treats being one of the highest importance to inhabitants of the jurisdiction and especially to those who were colonized by the sd. Empresario in his first colony. The nominal list with which the said Empresario accompanied his sd. official letter which list contains the name of each grantee, the quantity of land he received and the date of the title, in the first colony established by the said Empresario under the Colonization Law of fourth January 1823 and the Contract of the sd. Empresario with the Supreme Mexican Govt. under decrees

³⁹The rates fixed by this ordinance were published in *The Texas Gazette*, January 15, 1831:

1 loaded wagon and 4 animals.....	\$1.25
" " " " 2 "	1.00
" " cart " 4 "50
" " " " 2 "25
" empty " " 4 or 2 "25
" four wheeled carriage and 4 animals.....	1.00
" " " " 2 "75
" " " " 1 "50
" pack mule or horse loaded.....	.12½
" man and horse.....	.12½
" man06¼
" yoke of oxen in the yoke.....	.12½
Horned cattle04
Hogs02

Double these rates when the river was out of banks.

dated 18th Feby and 11th and 14th April 1823. Here follows an exact copy of the before mentioned letter.

Illustrious Ayto. Having completed the introduction and establishment of the three hundred families whom the Supreme Mexican Govt. granted me authority to introduce and settle by the decrees dated 18 Feby and 11th and 14th April 1823 issued under the law of colonization of 4 Jany 1823 as will appear by the annexed list of the names of the said families specifying the quantity of land granted to each colonist and the date of the concessions, which list is taken from the register of the said first colony to which I refer—and the supreme Govt. of the State of Coahuila and Texas having granted me authority to establish other Colonists to the number of nine hundred families on the vacant lands within the limits of my first colony it is of urgent necessity that it should be determined whether all the Colonists who received concessions in my said first colony have complied with the conditions and requisites of the said law of 4th Jany 1823 and of said concession of the Supreme National Govt of 18 Feby. 1823. in order that it may be known what lands are vacant and what are not, for the purpose of establishing families of my last contracts on these lands which are vacant, and not to disturb those which are possessed by legal titles, for these the govt commands in all the last contracts entered into with me on colonization—Therefore I request that [p. 71] this illustrious ayuntamto. will be pleased in use of the powers granted to the Ayuntamiento, by the 23d Article and other articles of the law of colonization of 4th Jany. 1823. before cited and by the 26th article and other articles of the law of colonization of the State of the 24th March 1825, and in use of the general powers granted by the laws to the Ayuntamentos. and of the knowledge which this body has of all the inhabitants of its jurisdiction, and of whatever papers [sic] and appertains to the administration of the laws and the security of property to examine the said list and the concessions of lands granted in my said first colony and determine definitively who of the Colonists of my said first colony have complied and perfected their titles, and who have abandoned their lands, and to say to me what lands granted in my said first colony are vacant for a failure in the grantee to comply with the conditions, so that by this measure the titles

and rights of those who have complied may be forever safe and secure, and that the titles of those who have not complied may be annulled, to enable me to respect the titles and lands of the first, and to establish families in the second in conformity with the orders of the govt., with my contracts on colonization, and with the laws on the subject. Town of Austin 7th Decr. 1830—Stephen F. Austin To the Illustrious Ayunto. of the jurisdiction of Austin.—

The Ayuntamto. then ordered that Jesse H. Cartwright 2d Regidor Walter C. White 3d Regidor Churchill Fulcheare 4th Regidor, and William Pettus, Sindico Procurador be and are hereby nominated a committee to take the list handed in by said Empresario and examine minutely into the merits of each grantee, and report the result to the body on the fifteenth day of the present month at which time the ayto. will meet in extra session to act upon the report and merits of said list and the ayto adjourned.

Thos. Barnett

Samuel M. Williams

Secy.

[p. 72] In the town of San Felipe de Austin on the fifteenth day of December 1830 Pursuant to the adjournment made on the seventh day of this month the ayuntamto. met, the following members were present to whom had been referred the subject of the official letter of the Empresario Austin under date of the 7th inst. as a committee to examine into and report on the list of the titles made to settlers in the first colony of the said Empresario. The prest. Thomas Barnett, Jesse H. Cartwright Churchill Fulcheare, Walter C. White and William Pettus—The said list was then read and the merits of each particular settler contained in the list and determine[d] which colonists have complied with the letter of the colonization law in the settlement and cultivation of the land granted to them under said Law and whose titles ought to be and are confirmed, and also those who have not complied either by having abandoned the country or failing to cultivate and settle the Lands in conformity with the said law. The ayuntamto. therefore forming a committee of the following and before mentioned members with the exception of the prest who presided and could not be of the committee. Jesse H. Cartwright 2d Regidor

Walter C. White 3d Regidor, Churchill Fulchear 4 Regidor and Wm. Pettus sid pro. [sindico procurador] declared unanimously that the following persons never cultivated their land as granted to them and having abandoned the country have by that fact unqualifiedly declared that they abandoned the country and the land they received by concession from the Govt. do be considered and esteemed as forfeited and that the said Land did legally revert to the mass of lands belonging to the State at the expiration of two years from the date of their title in conformity with the 23d article of the [p. 73] Colonization law of 4th Jany 1823 and consequently are vacant and can be occupied and granted to other emigrants comprehended in the new contracts on colonization of the sd Empresario Stephen F. Austin and are as follows. John McCormick One third of a League of land which he recd. in conjunction with David Shelby and James Frasier situated on the west side of the brazos above the Fort and joining the tract granted to Milburn and Davis and also the fourth of a league which he recd. out of Shubael Marsh's tract the said McCormick abandoned the country in the year 1824 and the sd tracts and parcels of land are therefore declared vacant and the title which the sd. McCormick has in them null and void.

John R. Williams One League and one Labor of Land lying on Clear creek title dated 29th Jany 1824 the said Williams abandoned the country in the spring of 1825 and as he never complied with the requisites of the colonization Law, by not cultivating the League of land which was granted to him, in conjunction with the fact of his abandoning the country all title or claim in the said League of Land, which by sd concession was vested in sd Williams expired when he abandoned the country, for which reason it is declared vacant, and the title for it null and of no effect the Labor of land granted to sd Williams he improved and lived on, and disposed of it and made a legal transfer to it, which he had a right to do the title to the labor is confirmed.

John Elam one league of land lying on the brazos River on the west side above town joining Lakey's title dated August 1824 —the said Elam has abandoned the country and not settled and improved the Land, it is therefore declared vacant and the title null and of no effect and the land can be granted to other emigrants.

Bluford Brooks One League of Land lying west of the Brazos River near the San Antonio Road title dates 10th August 1824 the said Brooks abandoned the country in 1825 the land is therefore declared vacant and the title null and void and the land can be granted to other emigrants.

John Cook and Isaac Hughes One League and one Labor of Land the League of Land lying on the West Side of Galveston Bay at the Red Bluffs, the Labor lying on the west side of the San Jacinto river joining Amey White's land, both John Cooke and Isaac Hughes abandoned the country in 1826 without improving their land either the League or the Labor they are therefore both declared to be vacant and the titles null and void and the land can be granted to other emigrants.

John Monks one League of Land lying between the San Bernard and Bay Prairie title issued 16th Augt 1824 the said Monks has aband[on]ed the country never cultivated the land and it is therefore declared vacant and the title null and of no effect and the land can be granted to other persons.

Benjamin Lindsey One League of Land lying between the San Bernard and Bay Prairie title issued 19th Augt 1824 the said Lindsey abandoned the colony and never cultivated or inhabited the land and has further become as the committee are informed a settler in another place the land is therefore declared to be vacant and the title null and of no [p. 74] effect and the land can therefore be granted to other persons.

James Cummins received a grant of an Hacienda or five leagues of land as a donation for building a saw and grist mill, the title dated 7th July 1824 said Hacienda is situated on the Creek called Cummin's Creek (San Bernave) which saw and grist mill the said Cummins has failed to build, but inasmuch as the said James Cummins came to the country in the year 1822 at a time when this department was a perfect wilderness, void of every kind of resources, and the said Cummins was very useful in the early settlement of the colony and in union with his family suffered every description of privation and hardships, was always hospitable and expended a good deal of property in assisting others and feeding all who went to his house, and also expended much property in endeavoring to build a mill, suffered much by the invasions and inroads of the barbarous indians, and further served the public

as Alcalde during four years without receiving any compensation, and is now far advanced in Years the committee recommend that Eighteen months time be allowed said Cummins from this day to build, erect, and complete a good saw and grist mill, on the said Hacienda, to be approved by the ayunto. of the jurisdiction or by a committee appointed from the body and in case he should so erect and complete the sd mill within the sd term of 18 months, the title to be confirmed to him his children and heirs and if not that from and after the expiration of said term, the said Hacienda of five leagues be vacant, and granted to others and the title null and void.

William Rabb received a grant of three Leagues of land on the Colorado above the Labahia Road as a donation for building a saw and grist mill which saw and grist mill the said Rabb has failed to build, but inasmuch as the said [Rabb] came into the country in the year 1822 and suffered many privations and hardships and has also by barbarious Indians been prevented from perfecting the mill which he commenced the committee recommend that Eighteen months be allowed said Rabb from this day to build, erect, and complete a good saw and grist mill in the said tract of three leagues to be approved of by the Ayunto. or by a committee appointed from the body, and in case he should so erect and complete the said mill within the said term of 18 months, the title of sd three leagues to be confirmed to him, his children and heirs and if not that from and after the expiration of said term, that the said three leagues be vacant, and granted to others and the title for the sd three leagues to be null and void.

Kinchen Holliman received as a colonist One League of Land situated on the right bank of the river brazos under title dated 10th Augt 1824 which land the said Holliman has cultivated, but has failed to fix his domicil in this country, and also all his property is in the state of Mississippi from which place he is and has been in the habit of making annual visits and remaining a few months in this country and then return again to the United States, which course of conduct demonstrates a disposition not to comply with the object of the concession, but to evade the laws and retain possession of the land, contrary to the Laws of the nation, the committee therefore recommend that the term of six months counting from this day be allotted to the said Holliman to remove with

his property from the U. S. to this colony for a permanent [p. 75] residence in the country and in case he do so within the said term that his title to the sd land be and is confirmed, but should he fail to remove his property and permanently fix his domicil in the country within said term, that the sd league of Land revert to the mass of vacant lands and the title be annulled.

The balance of the concessions made by the Commissioner and Empresario to the other families in the said first colony amounting in all to Two hundred and ninety as contained in the list furnished by the Empresario Austin drawn from the register of the colony in which is contained all the titles in the said first colony, are perfect and valid for each of the said grantees has fully complied with the conditions of the law and of his concession, and they have each of them completed their titles, which are therefore confirmed to them and their legal representatives.

All of which received the undivided and unanimous approbation of the body, and that it may at all times appear for the satisfaction of the interested persons the Ayuntamto. ordered that the official letter of sd Empresario, and the said list be filed in the archives of the ayunto. and that this act be signed by every one of the members present and further that a certified copy of it be passed to the Empresario Stephen F. Austin for his information and the purposes for which he may conceive it necessary.

Thos. Barnett

Prest

Samuel M. Williams

Secretary

Jesse H. Cartwright

2 Regidor

Walter C. White

3 Regr.

Ch.h. [Churchill] Fulshear

4 Regidor

Wm Pettus

sin pro

In the same place day month and year in the evening at 3 o'clock the ayuntamto. met to deliberate on various petitions which had been presented to the body by individuals, in which the[y] solicit

the Supreme Govt. of the State for an augmentation of the Lands which they have recd or are entitled to receive which petitions are as follows

first—Byrd Lockhart's soliciting lands in the colony of the Empresario Green De Witt for services rendered in opening roads etc to which the ayto. ordered a favorable report.

second—Sarah Scily's wife of the Empresario Green DeWitt soliciting a league of land to protect herself and family from poverty to which they are exposed by the misfortunes of her husband to which the ayto. ordered a favourable report.

third—James Kerr's soliciting lands in said colony on account of services rendered for the public good of the colony, to which the ayunto. ordered a favourable report.

fourth—Samuel Gates' soliciting one league of land on account of being one of the old settlers and not having sufficient for stock to which the Ayuntamiento. gave a favourable report.

fifth—John H. Scott's soliciting a league of land in lieu of a quarter having force enough to settle a league to which the ayunto. gave a favourable report.

Sixth—John W. Hall's soliciting a league of land in addition to two leagues which had already been granted to him. The ayuntamiento acceded to Halls petition so far as to recommend [p. 77] a league to be granted to him, which shall be purely pasture land and not in the way of any settler.

Seventh—Robert Vince's petition for one league of land to which the ayuntamiento recommended that an additional half league be granted to him and no more.

Eighth—William Pettus handed in a petition and retired in which he petitioned for lands in Mr. DeWitt's Colony to compensate him for money expended in sd colony and for services rendered in sd colony and in this in the early settlement to which the ayuntamiento. made a favourable report.

and the ayuntamiento. adjourned

Thos. Barnett

Samuel M. Williams

Secy

[p. 78] In the town of San Felipe de Austin 19th Decemr
1830 In conformity with the provisions of the 164th Article of

the constitution of the State and the 100th Article of Law number 37. The Ayuntamto. of this Jurisdiction met in the Hall of the Ayuntamto. The following members being present. Thos. Barnett prest. Jesse H. Cartwright 2d Regidor Walter C. White 3d Regidor and William Pettus sindico procurador and in presence and with the assistance of the Presidents tellers and secretaries of all the municipal electoral assemblies the president declared the session open, and when the lists made in said Municipal assemblies that were present and had been handed in were opened by the president and the three general lists were formed in conformity with the provisions of the before cited art 100 of said law No. 37, and agreeably to the result of them the president declared as Constitutionally elected Alcalde citizen Francis W. Johnson he having obtained the majority of votes and citizens Randall Jones and Pleasant D. McNeil as Regidores having received the majority of votes and citizen Robert M. Williamson as sindico procurador he having recd the majority of votes and one of them [one of the lists] immediately posted in a public place the originals remaining on record. The President then ordered that the proceedings should be carried on relative to the election of Comisarios and sindicos of precinct.

Thos. Barnett

Samuel M. Williams

Secy

[p. 79] List of Individuals who were voted for for Alcalde at the Municipal Elections held on the 12th and 13th of the present month in conformity with the 164th articles of the constitution and articles 97 and 100 of Law No. 37

Francis W. Johnson	recd.....	235 votes
James Norton	"	36 do
Humphrey Jackson	"	32 do

Town of Austin 19th Decr 1830

Thos. Barnett

John W. Moore

Saml Peniston

Thos. H. Mays

C. B. Stewart

J. D. Morris

Jesse Grimes

John Huff

Martin Allen

Thos. Cayce

[p. 80] List of the Individuals who were voted for for Regidors at the municipal elections held on the 12th and 13th of the present month in conformity with 164th Article of the Constitution and 97 and 100th articles of Law No. 37

Randall Jones recd.....	266 votes
Pleasant McNeil	142 votes
William Robinson	120 votes
John P. Coles.....	68 votes

Town of Austin 19th Decr 1830

Thos. Barnett

John W. Moore	Jesse Grimes
Sam Peniston	John Huff
Thos. H. Mays	Martin Allen
C. B. Stewart	Thos. Cayce
J. D. Morris	